

**2013 DRAFTING REQUEST**

**Bill**

Received: **9/27/2012** Received By: **tdodge**  
 Wanted: **As time permits** Same as LRB:  
 For: **Nick Milroy (608) 266-0640** By/Representing: **Mary Lou Keleher**  
 May Contact: Drafter: **tdodge**  
 Subject: **Health - vital statistics** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
 Requester's email: **Rep.Milroy@legis.wisconsin.gov**  
 Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Reverting to an original birth certificate after adoption

**Instructions:**

Redraft of 2011 AB 12 (11-0672/1) as amended by AA1 (11a2151) and AA2 (11a2199)

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 10/20/2012	scalvin 10/29/2012					
/1			jmurphy 10/29/2012		sbasford 10/29/2012	mbarman 1/9/2013	State S&L

FE Sent For:

**at  
Intro**

<END>

## **2013 DRAFTING REQUEST**

### **Bill**

Received: **9/27/2012** Received By: **tdodge**  
Wanted: **As time permits** Companion to LRB:  
For: **Nick Milroy (608) 266-0640** By/Representing: **Mary Lou Keleher**  
May Contact: Drafter: **tdodge**  
Subject: **Health - vital statistics** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Rep.Milroy@legis.wisconsin.gov**  
Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Reverting to an original birth certificate after adoption

---

### **Instructions:**

Redraft of 2011 AB 12 (11-0672/1) as amended by AA1 (11a2151) and AA2 (11a2199)

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 10/20/2012	scalvin 10/29/2012		_____			
/1			10/29/2012	_____	sbasford 10/29/2012		State S&L

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: **9/27/2012** Received By: **tdodge**  
 Wanted: **As time permits** Companion to LRB:  
 For: **Nick Milroy (608) 266-0640** By/Representing: **Mary Lou Keleher**  
 May Contact: Drafter: **tdodge**  
 Subject: **Health - vital statistics** Addl. Drafters:  
 Extra Copies:

Submit via email: **YES**  
 Requester's email: **Rep.Milroy@legis.wisconsin.gov**  
 Carbon copy (CC) to: **michael.duchek@legis.wisconsin.gov**  
**tamara.dodge@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Reverting to an original birth certificate after adoption

**Instructions:**

Redraft of 2011 AB 12 (11-0672/1) as amended by AA1 (11a2151) and AA2 (11a2199)

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	tdodge	1 sac 10/29/12	1 sac 10/29/12	10 [Signature]			

FE Sent For:

<END>

## **Dodge, Tamara**

---

**From:** Keleher, Marylou  
**Sent:** Thursday, September 27, 2012 10:53 AM  
**To:** Dodge, Tamara  
**Subject:** Draft Request

Hi Tamara,

Rep. Nick Milroy would like 2011 Assembly Bill 12 redrafted, as amended, for introduction in the 2013-14 legislative session. The bill is regarding reverting back to an original birth certificate after adoption. The link to the bill is below.

<https://docs.legis.wisconsin.gov/2011/proposals/ab12>

Thank you!!!

Mary Lou Keleher  
Aide to Rep. Nick Milroy  
6-0640







In: 10/20/12

State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0672/1

TJD:kjf

RMNR

2013

2011 ASSEMBLY BILL 12

PUF

D-note

February 2, 2011 - Introduced by Representatives KESTELL, MILROY, STONE, BARCA, BERNARD SCHABER, BEWLEY, BROOKS, D. CULLEN, DANOU, JORGENSEN, KESSLER, LEMAHIEU, PASCH, RIPP, SHILLING, SEIDEL, SINICKI, TURNER and VRUWINK, cosponsored by Senators LAZICH, JAUCH, LASSA and OLSEN. Referred to Committee on Children and Families.

- 1 AN ACT *gen cat* to renumber 48.94; to amend 69.15 (2) (a) (intro.); and to create 48.94  
2 (2) and 69.15 (2) (d) of the statutes; relating to: the restoration of information  
3 from an original birth certificate after adoption.

**Analysis by the Legislative Reference Bureau**

Under current law, at the time a person is adopted the state registrar must prepare a new birth certificate for the adoptee unless the adoptive parents or the person being adopted objects. The new birth certificate must contain, among other information, the names and personal information of the adoptive parents, unless the court's order of adoption indicates otherwise. When a new certificate is issued, the original certificate is impounded and may be accessed only by court order, with permission of the birth parents, or for processing purposes of the state registrar.

This bill allows an adult who has been adopted to petition the court to order the state registrar to prepare a new birth certificate based on information on the person's original birth certificate if the person did not have the opportunity, at the time of the adoption, to request that a new birth certificate not be prepared; any adoptive parent who is alive and who is named on the person's birth certificate does not object to the removal of his or her name from the birth certificate; and any birth parent who is alive and who is named on the person's original birth certificate does not object to the restoration of the information on the person's original birth certificate. Under the bill, if the court finds that all of those circumstances apply, the court must grant the petition. The state registrar must issue a new birth certificate that uses all of the information from the original birth certificate, if ordered by the court.

the person knows the identity of each birth parent who is named on his or her original birth certificate;

# ASSEMBLY BILL 12

A new birth certificate issued under the bill does not affect the legal relationship between the adoptive parents and the adoptee and does not restore any legal rights or legal relationship that terminated at the time of adoption.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 48.94<sup>x</sup> of the statutes is renumbered 48.94 (1).

**SECTION 2.** 48.94 (2) of the statutes is created to read:

3           48.94 (2) If the court issues an order under s. 69.15 (2) (d) to restore the  
4           information from an adoptee's original birth certificate, the state registrar shall  
5           issue a new birth certificate containing the information from the adoptee's original  
6           birth certificate. The restoration of any birth parent's name on the adoptee's birth  
7           certificate does not do any of the following:

8           (a) Affect the legal relationship of parent and adoptee that was created by the  
9           order of adoption.

10 (b) Restore any legal rights or any legal relationship that terminated upon the  
11 order of adoption.

**SECTION 3.** 69.15 (2) (a) (intro.) of the statutes is amended to read:

69.15 (2) (a) (intro.) Except as provided under par. (b), if the state registrar receives an order under sub. (1) which provides for an adoption, the state registrar shall prepare, under sub. (6), a new certificate for the subject of the adoption unless the adoptive parents or the subject of the adoption requests, under s. 48.94 (1), that no new certificate be prepared. If the order is from a court in this state, the order shall include a certified copy of the original birth certificate registered for the subject of the adoption. The new certificate shall show:



## ASSEMBLY BILL 12

<sup>x</sup>  
SECTION 4. 69.15 (2) (d) of the statutes is created to read:

69.15 (2) (d) 1. A court shall order the state registrar to prepare for the subject of a birth certificate a new birth certificate based on the information on the subject's original birth certificate if all of the following circumstances apply:

a. The subject of the birth certificate petitions the court for a new birth certificate.

b. The subject is an adult who was the subject of an adoption.

c. The subject did not have the opportunity under par. (a), at the time of the adoption, to request that no new birth certificate be prepared.

d. Any adoptive parent who is alive and who is named on the subject's birth certificate does not object to the removal of his or her name from the subject's birth certificate.

<sup>Each</sup>  
e. ~~Any~~ birth parent who is alive and who is named on the subject's original birth certificate does not object to the restoration of the information on the subject's original birth certificate.

2. If the court grants an order under subd. 1., the state registrar shall prepare under sub. (6) a new birth certificate using all of the information contained on the original birth certificate.

(END)

d. <sup>AA</sup> The subject knows the identity of each birth parent who is named on his or her original birth certificate.

D-note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0172/1dn

TJD:|:....

Sac

Date

To Representative Milroy:

When redrafting this drafting for this coming session, I found that the word "any" in s. 69.15 (2) (d) 1. e. creates some ambiguity. In this draft, I changed "any" to "each" to be clearer that one birth parent's objection will prevent the issuing of the new birth certificate with the restored information. If you do not want this change, please let me know and I can provide a new draft with the language as it was in the bill introduced this past session.

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge  
Legislative Attorney  
Phone: (608) 267-7380  
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0172/1dn  
TJD:sac:ph

October 29, 2012

To Representative Milroy:

When redrafting this draft for this coming session, I found that the word "any" in s. 69.15 (2) (d) 1. e. creates some ambiguity. In this draft, I changed "any" to "each" to be clearer that one birth parent's objection will prevent the issuing of the new birth certificate with the restored information. If you do not want this change, please let me know and I can provide a new draft with the language as it was in the bill introduced this past session.

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge  
Legislative Attorney  
Phone: (608) 267-7380  
E-mail: [tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

**Rose, Stefanie**

---

**From:** Keleher, Marylou  
**Sent:** Wednesday, January 09, 2013 10:27 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0172/1 Topic: Reverting to an original birth certificate after adoption

Please Jacket LRB -0172/1 for the ASSEMBLY.